IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 16819 of 2007(B)

PETITIONER:

P.H.PAREED, S/O.HASSAN, AGED 53 YEARS,
PANEKATTU HOUSE, PANIPRA P.O.,IRUMALAPADY,
KOTHAMANGALAM.

BY ADV. SRI.P.V.ELIAS

RESPONDENTS:

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1. THE TAHSILDAR (RR),KOTHAMANGALAM.

2. THE ADDL.DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD,ERNAKULAM.

R1 BY GOVT. PLEADER SRI.I.V.PRAMOD
R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.16819 OF 2007

Dated this the 17th day of August, 2007

JUDGMENT

Learned counsel for the Kerala Motor Transport Workers Welfare Fund Board submits that prior to issuance of Ext.P1 calling for advance contribution, repeated notices were issued to the petitioner and though he gave a reply stating that he has transferred the vehicle, he did not produce the details of such transfer, even called upon again to do so. Under such circumstances, invocation of revenue recovery proceedings cannot be found fault with.

Having regard to the totality of the facts and circumstances, this writ petition is disposed of directing that if the petitioner remits an amount of Rs.15,000/- within two weeks, the impugned distress action will stand suspended and if the petitioner places materials regarding the transfer of the vehicle before the authorities of the Board within a period of three weeks, the same will be considered and appropriate decision

taken and in such event, further action against the petitioner will depend upon such decision. It is clarified that if the petitioner does not satisfy the aforesaid conditions, the benefit of this judgment shall stand recalled and the impugned revenue recovery proceedings shall forthwith follow.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.